

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

AUG 10 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte DAVID T. SHUPING, WILLIAM R. JOHNSON and ROBERT C. RANDA

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Application No. 10/007,207

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on July 25, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

Appellants filed an Information Disclosure Statement (IDS) on October 20, 2005. It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98 because the examiner has not initialed next to each of the references nor signed and dated the 1449 as required by the Manual of Patent Examining Procedure (MPEP) § 609 C(2).

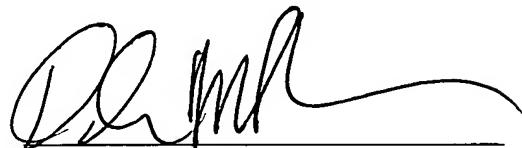
Accordingly, it is

ORDERED that the application is returned to the examiner for

- (1) proper consideration of the IDS filed October 24, 2005,
- (2) notification to appellant in writing of such consideration, and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



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